



BOARD OF ZONING APPEALS

Minutes of the Meeting

December 7, 2022

ATTENDANCE	<p>A regular meeting of the Zoning Board of Appeals was held on Wednesday, December 7, 2022, in the Fourth Floor City Chambers of the Sumter Opera House, 21 N. Main Street. Six board members – Mr. Leslie Alessandro, Mr. Warren Curtis, Ms. Cleo Klopfleisch, Mr. Louis Tisdale, Mr. Claude Wheeler, Jr., and Mr. Steven Schumpert were present. Mr. Jason Reddick and Mr. Clay Smith were absent</p> <p>Planning staff in attendance: Ms. Helen M. Roodman, Mr. Kyle Kelly and Ms. Kellie Chapman.</p> <p>The meeting was called to order at 3:00 p.m. by Mr. Leslie Alessandro, Chair.</p>
MINUTES	<p>Ms. Cleo Klopfleisch made a motion to approve the minutes of the November 9, 2022, meeting as written. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
BOARD MEMBER RECONIGATION	<p>Mr. Alessandro presented Mr. Warren Curtis with a plaque to thank him for his service to the Board.</p>
APPROVAL OF MEETING DATES FOR 2023	<p>Ms. Cleo Klopfleisch made a motion to approve the meeting dates for 2023. The motion was seconded by Mr. Louis Tisdale and carried a unanimous vote.</p>
NEW BUSINESS	<p><i>Mr. Warren Curtis recused himself from case BOA-22-33.</i></p> <p>BOA-22-33, 3375, 3405, 3435, and 3455 Peach Orchard Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for Special Exception approval in accordance with <i>Article 3.n.4: (AC District Special Exceptions); Article 3, Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.h: Stockyards, Poultry Houses, Commercial Kennels, Slaughter Houses, and Animal Auction Houses of the Sumter County Zoning & Development Standards Ordinance (the Ordinance) in order to establish a Commercial Kennel (SIC 0752) on a +/- 12.7 acre portion of the property. The property is located at 3375, 3405, 3435, & 3455 Peach Orchard Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 136-00-04-020.</i></p>

Mr. Kelly stated the request was also advertised for a variance to the required residential separation standards applicable to the proposed use, however; after further evaluation of the proposed location of the commercial kennels, it has been determined that a variance to this requirement is not needed.

Mr. Kelly mentioned the area is rural, with a combination of large vacant tracts and large lots with residences surrounded by areas of agricultural and forested land. The two closest adjacent residences are 3410 and 3480 Peach Orchard Rd.

Mr. Aaron Gilbert, Mr. Talmadge Tobias, Mr. Bill Hoge and Ms. Lisa Overby were present to speak in favor of the request.

Mr. Steven Boyd, Mr. Gerald Mallard, Ms. Marie Williams, Ms. Audrey Price, Rev. Richard Addison, Ms. Annie Meredith, Mr. David Bolden, and Mr. Isaac Jackson were present to speak in opposition of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to approve this request subject to the following findings of fact and conclusions.

1. The property meets the development standards for the AC zoning district. The commercial kennel is proposed to be buffered by the natural vegetation already on the site. The site is capable of meeting applicable special exception separation standards.
2. Th proposed Special Exception request is in substantial harmony with the surrounding area. The area has widely dispersed residential homes. The area in general is rural and agricultural in nature – the adjacent property owners have agricultural uses, barns, horse shelters and pastures.
3. The special exception will not discourage or negate the use of surrounding property. The established pattern of development along Peach Orchard Rd. is that of small-scale commercial, religious, and agricultural uses mixed with personal dwellings.

The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

BOA-22-34, 437 Haynsworth St. (City) was presented by Ms. Helen M. Roodman. The Board reviewed a request for Special Exception approval in accordance with *Article 3.b.4: (R-9 District) Special Exceptions; Article 3, Exhibit 3-4: Permitted and Conditional Uses in the Residential Districts; Article 5, Section 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.p: Bed & Breakfast Inns of the City of Sumter*

Zoning & Development Standards Ordinance **in order to establish a Bed & Breakfast Use** on the property. The property is located at 437 Haynsworth St., is zoned Residential-9 (R-9), and is represented by TMS# 228-07-01-028.

Ms. Roodman stated the dwelling has 4,292 sq. ft. of heated floor area – including 4 bedrooms, 5 bathrooms, a large kitchen area, and common/living room areas.

Ms. Roodman added a two-story garage/workshop with a one-bedroom apartment sits at the rear of the parcel. The property is +/- 7.75-acres in size.

Mr. James Brandon and Mr. Timothy Berry were present to speak on behalf of the request.

Mr. Charles Myers was present to speak in opposition of the request.

After a brief discussion, Mr. Louis Tisdale made a motion to approve this request subject to the following findings of fact and conclusions.

1. The property complies with all development standards applicable to the proposed use.
2. The proposed Special Exception request is in substantial harmony with the surrounding area. The proposed use will be on a large residential tract that is well screened via existing landscaping to adjacent residential uses. Adequate existing parking is present for the maximum number of rooms that can be rented out, which is 4.
3. The proposed Special Exception will not discourage or negate the use of surrounding property permitted by-right. The proposed use will be on a large residential tract that is well screened via existing landscaping to adjacent residential uses. Adequate exiting parking is present for the maximum number of rooms that can be rented out, which is 4.

The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.

BOA-22-35, 1029 Broad St. (City) was presented by Ms. Helen M. Roodman. The Board reviewed a request for Special Exception approval in accordance with *Article 3.i.4: (GC District) Special Exceptions; Article 3, Exhibit 3-5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.j:*

Tattoo Parlors of the City of Sumter Zoning & Development Standards Ordinance **in order to establish a Tattoo Parlor Use** on the property. The property is located at 1029 Broad St., is zoned General Commercial (GC), and is represented by TMS# 229-01-01-002.

Ms. Roodman stated the subject property contains a commercial building with two tenant spaces. The applicant is proposing to locate in one of the spaces within this building. The tenant space is +/- 2,100 sq. ft. in size. The hours of operation that applicant is proposing will be from 10:00 a.m. to 7:00 p.m.

Ms. Stacia Baker and Mr. Steve Panteliodis was present to speak on behalf of the request.

No one was present to speak in opposition of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to approve this request subject to the following findings of fact and conclusions.

1. The site containing the proposed tenant space was developed prior to the adoption of the current Zoning and Development Standards Ordinance. The site is not subject to discontinuance because the site has continually operated with commercial businesses in the various tenant spaces. Since the site is not subject to discontinuance, non-conforming site features such as parking lot design and landscaping are not required to be addressed at this time. The previous occupant of the tenant space to be used was a check cashing and pay day loan business. Minimum parking standards for both proposed use and the previous use of this space are the same. Therefore, the request does not represent an increase in required off-street parking.
2. The proposed Special Exception request is in substantial harmony with the surrounding area. The subject property, as well as the areas immediately adjacent, are zoned General Commercial (GC). The land use impact of the tattoo parlor use should be indistinguishable from the operation of the other commercial uses in the general vicinity.
3. The proposed Special Exception will not discourage or negate the use of surrounding property permitted by-right. The ordinance's 500 ft. buffer separation from residential use, schools, churches, and playgrounds is designed to prevent the encroachment of potentially objectionable commercial uses. In this instance, the special exception uses is screened and buffered from

these enumerated sensitive uses by the pattern of existing development. As the space was previously used for commercial activity, the operation of a self-contained tattoo parlor should not result in a change in land use impacts to the immediate area.

The motion was seconded by Mr. Steven Schumpert and carried a unanimous vote.

BOA-22-36, 312 S. Main St. (City) was presented by Ms. Helen M. Roodman. The Board reviewed a request for variance approval from the requirements outlined in *Article 3.k.5.b: (LI-W District) (minimum) Yard and Building Setbacks Requirements and Article 4.f.3 of the City of Sumter – Zoning & Development Standards Ordinance* in order to allow for the establishment of a detached carport +/-10 ft. from the property line and to allow for the detached carport structure to have less separation distance from a principal structure than required. The minimum required setback applicable to the property is 15 ft. and all commercial/industrial structures on the property must be separated horizontally by a distance that is at least equal to the highest adjacent building. The property is located at 312 S. Main St., is zoned Light Industrial-Warehouse (LI-W), and is represented by TMS# 227-04-01-066.

Ms. Roodman stated that the property is the location of Job's Mortuary, Inc., a funeral home and crematory.

Ms. Roodman added the original site development dates back to the 1960s, with buildings added over the years as site development expanded and additional properties were added to the original tract.

Ms. Roodman mentioned this request is the result of a Stop Work Order issued by the Sumter City-County Building Inspections Department on October 21, 2022, concerning the construction of a 38 ft. x 28 ft. detached commercial carport structure.

Ms. Roodman added this request was advertised for two separate variances prior to researching case history. Based on the previously approved side and rear setback variances granted in 1995 under BOA-95-39, a side setback variance is not necessary.

Mr. Ralph Canty, Sr. was present to speak on behalf of the request.

No one was present to speak in opposition.

After a brief discussion, Mr. Steven Schumpert made a motion to approve this request subject to the following findings of fact and conclusions.

1. The development in this area of the community, in particular the block bounded by S. Main St., Dingle St., S. Sumter St., and W. Oakland Ave. predates the establishment of the LI-W zoning district and requisite development standards. As such, none of the development on these parcels meets setbacks, resulting in buildings that historically have been on or overly close to property lines, and structures that do not meet the established building separation standards outlined in *Article 4.f.3.b* of the Ordinance. In this sense, any new construction or expansion to structures on properties within this block requires relief from the ordinance in order to use the land effectively and efficiently while preserving on-site traffic flow for commercial and personal vehicles.
2. These conditions do not apply to other properties within the same city block, as well as older developed areas of the city. The development standards that are in effect are ideal for greenfield development, however; those same standards when applied to infill development/redevelopment pose a challenge in older core areas of the City where original development predates the regulations by multiple decades.
3. Had the structure received proper permits prior to commencing construction, the development would have received commercial site plan review, which would have notated a deficient building separation. The deficiency would have been addressed prior to construction, as there is space in proximity to the development site to move the building south, thereby meeting the required building separation standard.
4. The authorization of this request will not likely result in substantial detriment to adjacent property or the public good. Additionally, the granting of the variance will not harm the character of the district. These findings are made with the understanding that overall site development within this block predates all current development standards, and the location of the structure poses the least impact to adjacent properties due to its location.

The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.

BOA-22-38, 4320 Queen Chapel Rd. (County) was presented by Mr. Kyle Kelly. The Board reviewed a request for Special Exception approval in accordance with *Article 3.n.4: (AC District*

Special Exceptions); Article 3, Exhibit 5: Permitted and Conditional Uses in the Commercial, Industrial, Agricultural, and Conservation Districts; Article 5.b.2: Enumeration of Certain Hazardous and/or Potentially Disruptive Land Development Activities; and Article 5.b.3.f: Drinking Places/Bottle Clubs/Night Clubs of the Sumter County Zoning & Development Standards Ordinance (the Ordinance) **in order to establish a Drinking Place (SIC 5813)** on the property. The applicant is also requesting a variance from the residential use separation requirements outlined in *Article 5.b.3.f: Drinking Places/Bottle Clubs/Night Clubs of the Ordinance*. The property is located at 4320 Queen Chapel Rd., is zoned Agricultural Conservation (AC), and is represented by TMS# 199-00-02-015.

Mr. Kelly stated the property has historically been used for bar and lounge type uses. Per Sumter City-County Business License Records, White's Place was the last licensed business at this location. This business was specifically licensed as a drinking place and was established prior to the adoption of the current Sumter County Zoning & Development Standards Ordinance.

Mr. Kelly added the last business license renewal for White's Place was in 2019. The license was formally closed out in January 2022 by the Business License Department. Due to the time elapsed since legal operation of a drinking place use on the property, it has been determined that the use has been discontinued, as defined in Article 6 of the Ordinance.

Re-establishing the drinking place use on the property requires special exception approval by the Sumter City-County Board of Zoning Appeals (BZA).

Mr. Kelly mentioned the applicant has applied for a county business license and a license from the South Carolina Department of Revenue (DOR) for alcohol sales for on-premises consumption. The Sumter County Sheriff's Office has been notified of the DOR application and has submitted a protest to the application.

Mr. Kelly stated numerous noise complaints, fighting complaints, and other general disturbance complaints have been logged by the Sheriff's Office on or near the property.

It appears that the building and grounds have been recently used for business operation in violation of county licensing and zoning requirements, based on Sheriff's Office call for service logs.

Ms. LaRavia White and Ms. Joanna Carter were present to speak on behalf of the request.

Mr. Albert Abrams, Mr. James Shaw and Lt. Luke Hall were present to speak in opposition of the request.

After a brief discussion, Ms. Cleo Klopfleisch made a motion to deny this request subject to the following findings of fact and conclusions.

1. The subject property is +/- 5.23-acres in size and located in a primarily rural portion of the county. The property is the historic location of a previously legally established drinking place use that ceased operation in by the end of 2019. Therefore, use of the site has been formally discontinued in accordance with Article 6 of the Ordinance.

There are no unique conditions that warrant relief from the residential use separation standards applicable to the reestablishment of the drinking place use in full conformance with Ordinance requirements.

2. There are no unique conditions that warrant relief from the residential use separation standards applicable to the reestablishment of the drinking place use in full conformance with Ordinance requirements.
3. The application of the Ordinance prevents the applicant from reestablishing a discontinued drinking place use.
4. The authorization of this variance request may be of substantial detriment to adjacent property or the public good, and that the granting of the variance may harm the character of the district.

There is no real hardship concerning the residential use separation requirement. This requirement is in place to buffer land uses that have a high potential of conflict with certain use types. Sherriff's Office documentation indicates that numerous calls for service have been made to this address. Such calls include noise complaints, fighting complaints, and other general disturbance complaints. The proposed use was legally established at one time on this property. However, it has been legally discontinued in accordance with Article 6 of the Ordinance. Therefore, full compliance with the Ordinance is required for establishment.

In relation to the requested special exception approval from the requested Drinking Places/Bottle Clubs/Night Clubs:

1. The proposed use does not meet the 300 ft. separation requirement from residential uses. A vacant manufactured home exists approximately 220 ft. from the building proposed for the drinking place use on a

	<p>separately platted parcel to the south. Additionally, a single-family dwelling exists approximately 292 ft. from the building proposed for the drinking place use on a separately platted parcel to the northwest.</p> <ol style="list-style-type: none"> 2. The site does not conform with general county landscaping requirements that state are more intensive use must be screened from a less intensive use by plantings or fencing resulting in a 6 ft. year-round screen within three (3) growing seasons. The site also does not conform with county street landscaping standards or paved handicapped parking space requirements. 3. The area is primarily residential in nature and there is a high potential for conflict with surrounding uses. Sumter County Sherriff's Office call for service logs indicate numerous complaints arising from the property. Additionally, the building proposed for the use does not meet the residential use separation criteria. 4. The area is primarily residential in nature and there is a high potential for conflict with the proposed use. Sumter County Sherriff's call for service log indicate numerous complaints arising from the property. <p>The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.</p>
OTHER BUSINESS	NONE
	<p>There being no further business, Mr. Steven Schumpert made a motion to adjourn the meeting at 5:15 p.m. The motion was seconded by Mr. Warren Curtis and carried a unanimous vote.</p> <p>The next regularly scheduled meeting is scheduled for January 11, 2023.</p>
	<p>Respectfully submitted, <i>Kellie K. Chapman</i> Kellie K. Chapman, Board Secretary</p>